

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 7, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:09 p.m. The meeting was adjourned by Mayor Golding at 6:38 p.m. into closed session on Tuesday, February 8, 2000 at 9:00 a.m. in the twelfth floor conference room to discuss existing litigation, anticipated litigation, property acquisition, and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present

- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Greg Blanc of Horizon Christian Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Mr. Don Stillwell commented regarding San Diego's expenditures, bonds and interest on bonds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A037-058.)

PUBLIC COMMENT-2:

Reverend Sky commented regarding Father Carol no longer being able to admit families into his homeless shelter. He further complimented Council for their work in San Diego, compared to Los Angeles.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-082.)

PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER

Mr. Gary Marchinke commented regarding warning signs in the Lake Murray area and golf balls from Mission Trails Golf Course endangering lake goers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-111.)

PUBLIC COMMENT-4:

Mr. Jim LeWan commented regarding De Anza Point Hotel and De Anza area rent.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A112-140.)

PUBLIC COMMENT-5:

Ms. Eve Smull commented regarding Kate Sessions Park and loose dogs being a problem. She requested that the City repeal Section 630102C and protect parks in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-169.)

PUBLIC COMMENT-6:

Dr. Joseph Di Pietro commented regarding Kate Sessions Park and the City's need to protect our parks by enforcing the leash law.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A170-208.)

PUBLIC COMMENT-7:

Ms. Michelle Youngers commented regarding Kate Sessions Park. She stated that designating a leash-free area and enforcing existing leash laws would be a solution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A209-248.)

PUBLIC COMMENT-8:

Mr. Anthony Mournian commented regarding a problem with City volunteers being harassed. He also stated the City should find undeveloped space for leash-free parks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A249-281.)

PUBLIC COMMENT-9:

Ms. April Ogden-Fleck commented regarding North Park Redevelopment issues and her belief that the revitalization of the area is a failure.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A282-315.)

PUBLIC COMMENT-10:

Mr. Steve McWilliams commented thanking the City for assisting in a weekend celebration of Shelter From The Storm's full-term harvest of its medical Marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A316-344.)

PUBLIC COMMENT-11:

Mr. Daniel Beeman thanked the Council for their work in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A345-363.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Vargas requested that official business of the City come before Public Comments.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A364-374.)

COUNCIL COMMENT-2:

Mayor Golding commented that she will move Special Order of Business in front of Non-agenda comment.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A375-379.)

COUNCIL COMMENT-3:

Council Member McCarty announced the successful 5th Anniversary of Mission Trails Regional Park Visitors Center celebration on Saturday and thanked all participants.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A380-387.)

COUNCIL COMMENT-4:

Council Member Stevens announced the successful International Celebration of People in Balboa Park on Sunday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A388-403.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

1/17/2000 Adjourned
1/18/2000

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A398-404.)

MOTION BY STALLINGS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: San Diego Around the World Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-874) ADOPTED AS RESOLUTION R-292725

Proclaiming February 7, 2000 to be "San Diego Around the World Day" in San Diego in rich celebration of the many wonderful peoples and cultures that we proudly call America's Finest City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A414-549; B071-073.)

MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Edward T. Butler Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-819) ADOPTED AS RESOLUTION R-292726

Commending Edward T. Butler for his many years of commitment and service to The City of San Diego;

Proclaiming February 7, 2000 to be "Edward T. Butler Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B015-073.)

MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-50: Two-Hour Metered Parking on Third Avenue at University Avenue.

(Hillcrest Community Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-76) INTRODUCED; TO BE ADOPTED ON FEBRUARY 22, 2000.

Introduction of an Ordinance establishing a two-hour parking meter zone on Third Avenue at University Avenue.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour metered parking zone effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted:

On the east side of Third Avenue from University Avenue to a point 125 feet north of University Avenue. A recent study revealed an average parking occupancy of 100 percent, an average parking duration of 5.71 hours, and an average turnover of 1.75 parkers per space. This satisfies the criteria established in Council Policy 200-04 for the installation of parking meters.

2. On the east side of Third Avenue from University Avenue to a point 85 feet south of University Avenue. A recent study revealed an average parking occupancy of 100 percent, an average parking duration of 5.0 hours, and an average turnover of 2 parkers per space. This satisfies the criteria established in Council Policy 200-04 for the installation of parking meters.
3. On the west side of Third Avenue from University Avenue to a point 68 feet north of University Avenue. A recent study revealed an average parking occupancy of 100 percent, an average parking duration of 3.25 hours, and an average turnover of 3 parkers per space. This satisfies the criteria established in Council Policy 200-04 for the installation of parking meters.
4. On the west side of Third Avenue from University Avenue to a point 92 feet south of University Avenue. This area is currently a 30 minute time limit parking zone. A recent study revealed an average parking occupancy of 50 percent, an average parking duration of .7 hours, and an average turnover of 7.5 parkers per space. This does not satisfy the criteria established in Council Policy 200-04 for the installation of parking meters; however, if this area was open parking, the parking occupancy would most likely be similar to the above three zones.

Council approval is required, according the Municipal Code, Section 86.04. A petition representing 80 percent of the affected properties was submitted in support of this action. The Uptown Partnership, Inc., supports this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-100: Three actions related to the Final Subdivision Map of Dennerly Ranch Unit No. 2A.

(This is a 110-lot subdivision. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-862) ADOPTED AS RESOLUTION R-292727

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-2000-824) ADOPTED AS RESOLUTION R-292728

Approving the final map.

Subitem-C: (R-2000-863) ADOPTED AS RESOLUTION R-292729

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City Lot "A" and Lot "B" of Dennerly Ranch Unit No. 2A.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 50.415 acre site into 120 lots for residential development, plus lots "A" through "F". It is located north of Palm Avenue and east of Dennerly Road in the Otay Mesa Community Plan Area. On November 9, 1993 the Council of the City of San Diego approved Planned Residential Development Permit/Resource Protection Overlay/Hillside Review Permit No. 88-0785 for Dennerly Ranch Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 29734-1-D through 29734-34-D, filed in the Office of the City Clerk under Micro Number 140.21. All improvements are to be completed within two years. The Engineers estimate for the cost of public improvements is \$2,666,160 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$18,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan Area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that the developer subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Lots "A" and "B" are being deeded to the City at no cost as a condition of Tentative Map approval. The lots total 1.928 acres in size. No park fee credit is being granted by this action. The lots are to be used for open space purposes.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

NOTE: See Item 102 on today's docket for a companion item.

<u>FILE LOCATION:</u>	SUBITEMS A & B: SUBD-Dennerly Ranch Unit No. 2A.(40)
	SUBITEM C: DEEDF-7693
<u>COUNCIL ACTION:</u>	(Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-101: Three actions related to the Final Subdivision Map of Dennery Ranch Unit No. 2B.

(This is a 90-lot subdivision. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-864) ADOPTED AS RESOLUTION R-292730

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-2000-825) ADOPTED AS RESOLUTION R-292731

Approving the final map.

Subitem-C: (R-2000-865) ADOPTED AS RESOLUTION R-292732

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City Lot "A" of Dennery Ranch Unit No. 2B, for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 32.377 acre site into 90 lots for residential development. It is located north of Ocean View Hills Parkway and east of Dennery Road in the Otay Mesa Community Plan Area. On November 9, 1993 the Council of the City of San Diego approved Planned Residential Development Permit/Resource Protection Overlay/Hillside Review Permit No. 88-0785 for Dennery Ranch Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 29737-1-D through 29737-30-D, filed in the Office of the City Clerk under Micro Number 140.22. All improvements are to be completed within two years. The Engineers estimate for the

cost of public improvements is \$1,562,100 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$14,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Lot "A" is being deeded to the City at no cost as a condition of Tentative Map approval. The lot is 11.552 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

NOTE: See Item 102 on today's docket for a companion item.

<u>FILE LOCATION:</u>	SUBITEMS A & B: SUBD-Dennery Ranch Unit No. 2B (40)
	SUBITEM C: DEED F-7694

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-102: Park Development Agreement - Dennery Ranch Neighborhood Park No. 2.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-851) ADOPTED AS RESOLUTION R-292733

Authorizing the City Manager to execute the Park Development Agreement -
Dennery Ranch Neighborhood Park No. 2;

Authorizing the City Auditor and Comptroller to make payment to Pardee
Construction Company from Otay Mesa West Fund No. 39067, as and for
reimbursement of costs, consistent with the terms of the Agreement.

Declaring that payment to Pardee may be made in the form of cash or FBA credits
not to exceed a total of \$1,875,000.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Dennery Ranch Neighborhood Park No. 2 is 5.0 net acre (5.3 gross acre) in size and located in the Dennery Ranch Precise Plan Area north of State Highway 905 adjacent to an elementary school. The park is scheduled in the Otay Mesa Public Facilities Financing Plan for implementation between FY 2002 and 2004. The park design and construction is proposed as a turnkey project in order to expedite its implementation.

FISCAL IMPACT:

All costs associated with the implementation of this project are funded through the Otay Mesa West FBA contingent upon availability of funds.

Culbreth-Graft/McLatchy/TM

Aud. Cert. 2000688.

NOTE: See Items 100 and 101 on today's docket for companion items.

FILE LOCATION: DEV'L- Dennery Ranch Neighborhood Park No.2:(07)

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-103: Easement Grant - San Diego Gas and Electric - Chateau Drive.

(Clairemont Mesa East Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-840) RETURNED TO CITY MANAGER

Authorizing the City Manager to execute a deed conveying to San Diego Gas & Electric Company an easement, 22 feet long and 7 feet wide, totaling 154 square feet, for the purpose of installing a new pad-mounted switch located on the south side of Chateau Drive, near Mount Abernathy Drive;

Declaring that San Diego Gas and Electric will pay an amount of \$5,000 for the easement, which amount has been determined by City appraisal staff to be the value of the property.

CITY MANAGER SUPPORTING INFORMATION:

As a business requirement, SDG&E has requested an easement to install a new pad-mounted switch on City-owned land. The easement is 22 feet long and 7 feet wide, totaling 154 square feet. SDG&E has offered the sum of \$5,000, to be deposited into General Fund 100. The offer has been approved by City Appraisal staff.

FISCAL IMPACT:

\$5,000 will be deposited to the General Fund.

Culbreth-Graft/Griffith/ACG

FILE LOCATION: DEED F-7695

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO RETURN TO THE CITY MANAGER. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-104: Easement Grant - San Diego Gas & Electric - Genesee Avenue.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-839) ADOPTED AS RESOLUTION R-292734

Authorizing the City Manager to execute a deed conveying to San Diego Gas & Electric Company an easement, 23.5 feet long and 9.5 feet wide, totaling 223.25 square feet, for the purpose of installing a new pad-mounted switch located on Genesee Avenue, near Science Center Drive;

Declaring that San Diego Gas and Electric will pay an amount of \$5,000 for the easement, which amount has been determined by City appraisal staff to be the value of the property.

CITY MANAGER SUPPORTING INFORMATION:

As a business requirement, SDG&E has requested an easement to install a new utility cabinet and concrete pad on City-owned land. The easement is 23.5 feet long and 9.5 feet wide, totaling 223.25 square feet. SDG&E has offered the amount of \$5,000 for the easement, to be deposited into General Fund 100. The amount has been approved by City appraisal staff.

FISCAL IMPACT:

\$5,000 will be deposited to the General Fund.

Culbreth-Graft/Griffith/ACG

FILE LOCATION: DEED F-7696

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-105: US Soccer Foundation Grant - Colina Del Sol Field Lighting.

(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-852) ADOPTED AS RESOLUTION R-292735

Authorizing the City Manager or his designated representative to apply to the U.S. Soccer Foundation for the Grant for the Project;

Authorizing the City Manager or his designated representative to take all necessary actions to secure and accept funding from the Foundation for the project;

Authorizing the City Auditor and Comptroller to appropriate and expend funds for the project if the Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant.

CITY MANAGER SUPPORTING INFORMATION:

The mission of the US Soccer Foundation is to enhance the sport of soccer. Toward that end, it provides grants to soccer organizations, civic groups and municipalities for soccer specific projects. The Park and Recreation Department has identified the need for lighting at the heavily-used, multi-purpose field at Colina del Sol Community Park so that soccer may be played in the evenings. This project is supported by the Colina del Sol Recreation Council and several local soccer leagues. If the grant is secured, it will fund the purchase of four 60-foot light poles with metal halide luminaries.

FISCAL IMPACT:

If the grant is secured the City will receive \$48,000. The project will be matched with \$30,000 in Federal Community Development Block Grant (CDBG) that has already been designated for field improvement at that site. The US Soccer Foundation grant funding will be used for the cost of the light poles and the federal CDBG funds will be used for construction and associated personnel costs.

Culbreth-Graft/McLatchy/HL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-106: Taiwanese Chamber of Commerce of San Diego Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-867) ADOPTED AS RESOLUTION R-292736

Commending the Taiwanese Chamber of Commerce of San Diego in celebration of their 16 years of service and dedication to the City of San Diego;

Proclaiming January 29, 2000 to be the "Taiwanese Chamber of Commerce of San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-107: Palomar Medical Center Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-876) ADOPTED AS RESOLUTION R-292737

Commending, thanking and congratulating the Palomar Medical Center for 50 years of outstanding service to the residents of the North County;

Proclaiming February 16, 2000 to be "Palomar Medical Center Day" in America's "Fittest" City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-108: Settlement Offer of the Defendant Ranger Insurance Company.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-845) ADOPTED AS RESOLUTION R-292738

A Resolution approved by the City Council in Closed Session on Tuesday, January 18, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present, to approve the settlement involving breach of contract and enforcement of performance bond.

Accepting the settlement offer of Defendant Ranger Insurance Company in the case of City of San Diego v. John A. Hines, et al., San Diego Superior Court Number GIC736831, in the amount of \$500,000, in exchange for a dismissal of all defendants;

Declaring that the settlement funds shall be deposited in the Watering Operating Fund No. 41500.

NOTE: An Auditor's Certificate is not required. The vote taken in open session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-109: Renewal of Non-Exclusive Use and Operating Permit for City of San Diego's Tennis Courts.

(La Jolla, Lake Murray, Martin L. King, Mission Bay, Pacific Beach, Point Loma, Rancho Bernardo, Rancho Peñasquitos, Tierrasanta, and University City Community Areas. Districts-1, 2, 4, 5 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-866) ADOPTED AS RESOLUTION R-292739

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the La Jolla Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Lake Murray Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Mission Bay Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Mountain View Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Pacific Beach Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Point Loma Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Rancho Bernardo Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Rancho Peñasquitos Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the Tierrasanta Tennis Club;

Authorizing the Park and Recreation Director to execute a five-year Non-Exclusive Use and Operating Permit with the University City Racquet Club.

CITY MANAGER SUPPORTING INFORMATION:

As specified in the Agreement Item #10, all funds collected by the Tennis Club (Permittee) from the operation of the City of San Diego's tennis courts (Premises), shall be used to operate and maintain the Premises for the benefit of the general public. The City is not charging or receiving a fee from the general public nor from the Permittee, for the use of the Premises. The fees charged and collected by the Permittee per the Fee Schedule, are intended to cover maintenance and program operation.

FISCAL IMPACT:

None to the City. Fees collected from the use of the tennis courts are used to maintain the tennis courts and related program deemed necessary by the Tennis Clubs.

Culbreth-Graft/McLatchy/WAD

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-110: Permit Agreement with RMP Financial.

(Mission Valley Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-853) ADOPTED AS RESOLUTION R-292740

Authorizing a 10-year permit agreement with RMP Financial, for a parking lot on 0.37 acre of City-owned undeveloped Texas Street and Camino del Rio South right-of-way, being a portion of Pueblo Lot 1110, at an initial monthly rent of \$450.

CITY MANAGER SUPPORTING INFORMATION:

For the past 10 years, RMP Financial has had a permit to use 0.37 acre of City-owned property for parking and landscaping. RMP Financial is the long-term lessee of the office building at 5005 Texas Street, and the adjacent City property supplements the building's parking. The City's property is an undeveloped, excess portion of Texas Street and Camino del Rio South, and the permittee maintains a paved parking lot and landscaping on the site. RMP Financial currently pays the City \$400 per month and requests a new permit with a 10-year term, as the existing permit has expired and is on holdover. The monthly permit fee will increase to \$450 the first year and gradually increase to \$850 by year five, then an annual Consumer Price Index adjustment for years six through ten. City staff has determined these permit fees to be at market. The permit is revocable by either party upon 30 days prior written notice.

FISCAL IMPACT:

The amount of \$450 per month will be deposited into the General Fund.

Culbreth-Graft/Griffith/PTC

FILE LOCATION: LEAS-RMP Financial

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-111: Removal of the Two-Hour Time Limit Parking at 4400 Rainier Avenue.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-821) ADOPTED AS RESOLUTION R-292741

Approving the removal of the two-hour time limit parking zone on the south side of Rainier Avenue between Mission Gorge Road and Riverdale Street pursuant to Council Policy No. 200-4, entitled "Installation or Removal of Time Limit Parking Zones and Parking Meter Zones";

Authorizing the removal of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

Remove the two-hour time limit parking zone on the south side of Rainier Avenue between Mission Gorge Road and Riverdale Street. This action was petitioned by 100 percent of the fronting property owners and their tenants. This meets the requirements of Council Policy 200-04 for the removal of the two hour time limit parking. Council approval is required for this action.

The property owner, Produce Market at 6610 Riverdale Street, requested the removal of the two-hour time limit parking.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-112: Support of State Ballot Propositions 12, 13, and 14.

(See Intergovernmental Relations Department Report IRD-99-12.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-788) TRAILED TO TUESDAY, FEBRUARY 8, 2000

Supporting the passage of Propositions 12, 13, and 14 on the March 2000 ballot.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 11/29/99, RULES voted 4-0 to support Propositions 12, 13, and 14. (Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: NONE.

ITEM-113: Sale - City's Leased Fee Interest, Lot 9, Eastgate Technology Park.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-787 Cor.Copy) TRAILED TO TUESDAY, FEBRUARY 8, 2000

Authorizing the sale of portion of Lot 9, Parcel Map PM-11498, Eastgate Technology Park to be sold by negotiation for the amount of \$3.2 million to G.H. Cooper Properties, Inc.;

Authorizing the City Manager to execute a Real Estate Purchase Contract for the sale of the property;

Authorizing the execution of a quitclaim deed, granting to G.H. Cooper Properties, Inc., all of the City's right, title, and interest in that portion of Lot 9, Parcel Map PM-11498, Eastgate Technology Park;

Declaring that a broker's commission may be paid by the City to CB Richard Ellis on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1999, the Mayor and Council authorized the City Manager to market the City's interest in Lot 9, Eastgate Technology Park to the general public. On December 7, 1999, in Closed Session, Council approved the sale of the City's leasehold interest to Village Builders 98 at \$3.2 million. On January 15, 2000, Village Builders 98 rescinded its original offer. Immediately thereafter, the City's broker, CB Richard Ellis identified another qualified buyer, G.H. Cooper Properties, Inc., on the same terms and conditions, except as noted below with the City taking back at \$450,000 note over 10 years at 7.5 percent. The City's interest in Lot 9 consists of the ground leasehold of 3.91 acres. Kilroy Realty owns a 45,200-square foot building on the site which is occupied by SAIC. The City obtained an outside appraisal in February 1999 which indicated a range of value from \$3.3-3.6 million. The City's broker distributed a marketing brochure listing the property at \$3.4 million. Kilroy Realty made an offer at \$2.5 million. The City received two additional offers at \$2.8 million and \$3.2 million. Staff consulted with an independent appraiser and confirmed that \$3.2 million represents the full market value for the City's interest. Lot 9 is currently encumbered by a lease which causes the property to have a very low rate of return for the next 5-7 years. This means it will attract a limited number of potential investors and a limited window to maximize price. The low rate of return causes a decrease in value as interest rates rise. Due to the rise in interest rates since the appraisal was completed 9 months ago, \$3.2 million represents the current market value (which may further erode as interest rates continue to rise). Given these facts, the City's broker, appraiser and staff concur that the current \$3.2 million offer represents the best opportunity to maximize the City's return. The City Manager recommends accepting the most recent offer made by G.H. Cooper Properties at \$3.2 million, with a note for \$450,000 for 25 years due and payable in 10 years at 7.5 percent. And payment of 3.5 percent broker's commission will be paid to CB Richard Ellis.

FISCAL IMPACT:

The amount of \$2.75 million will be deposited into the Police Decentralization Fund No. 30248, less a 3.5 percent recommended broker's commission, with the City to finance a note for \$450,000 over a ten-year period at 7.5 percent.

Culbreth-Graft/Griffith/LMG

ITEM-114: Excusing Mayor Golding from the Council Meeting on January 18, 2000.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-878) ADOPTED AS RESOLUTION R-292742

Excusing Mayor Golding from attending the City Council meeting of January 18, 2000, due to city business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: State Water Resources Control Board - Low Interest Loan Program Authorization.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-94) INTRODUCED; TO BE ADOPTED ON FEBRUARY 22, 2000

Introduction of an Ordinance authorizing and accepting State Revolving Fund Loan Program contract pursuant to Section 99 of the City Charter.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The 1987 amendments to the Clean Water Act created a State Revolving Fund (SRF) Loan Program. The Act authorized loan funding for construction of wastewater treatment and water

reclamation facilities. In California, the program provides for low interest loans for eligible projects. In 1997, changes in the SRF Loan Program made it more attractive to the City of San Diego (City). The most important changes were to increase the annual loan size limit to \$50 million and to provide access to zero interest loans. These loans are contingent on an agency's ability to provide matching funds, which were previously provided by the State of California (State). State matching funds are still available for those agencies who cannot provide the matching funds. If the State provides the matching funds, the lower interest loan is not available. On March 17, 1997, the City Council adopted Resolution R-288425 which authorized the City Manager, or his duly designated representative, to negotiate and execute SRF loan agreements for wastewater capital projects. On July 21, 1999, the City Council adopted Ordinance O-18655 that identified the City Manager or the Deputy City Manager for Public Works as the City's authorized representative to conduct all business related to the SRF loans, and identified a dedicated source of revenue for loan repayment. Ordinance O-18655 was specific to loans for the Point Loma Digester 7&8, Point Loma Central Boiler Facility and the South Bay Water Reclamation Plant Packages 1, 2, and 3. This proposed ordinance will fulfill the same requirements for the South Bay Reclamation Sewer and Pump Station, CIP-40-911.3 CP-A (Grove Avenue) - \$11,700,000; South Bay Reclamation Sewer and Pump Station, CP-B (8" and 30" Force Mains) - \$6,200,000; and the Point Loma Maintenance Building Expansion, CIP-45-939.0 - \$1,100,000. These amounts are based upon estimated construction costs and design allowances provided by the loan program. The payback period for the loans is 20 years. The repayment of the loans will be subordinate to existing and future sewer revenue bonds. Loan repayments will occur only after current year sewer revenue bond payments have been assured. Repayment will be made from sewer net system revenues only.

FISCAL IMPACT:

Matching funds are available in South Bay Reclamation Sewer and Pump Station, CIP-40-911.3 in the amount of \$11,700,000 CP-A (Grove Avenue); \$6,200,000 for CP-B (8" and 30" Force Mains) and Point Loma Maintenance Building Expansion Project, CIP-45-939.0 in the sum of \$ 1,100,000.

Loveland/Schlesinger/RJE

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: City Request for Modification of CPUC Decision 98-06-018 Re: 619 Area Code Split.

(See City Attorney Report RC-2000-1.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-843) ADOPTED AS AMENDED AS RESOLUTION R-292743

Authorizing the City Attorney to file comments with the California Public Utilities Commission (CPUC) requesting modification of CPUC Decision 98-06-018 implementing a relief plan for area code (619). The City will request that the CPUC indefinitely suspend implementation of Phase 2 of this decision which would add a fourth area code (935) in the San Diego region;

Authorizing the expenditure of an amount not to exceed \$20,000 from Fund 81140, to pay MRW & Associates to provide technical expertise for effective participation in the CPUC proceedings;

Directing the City Attorney to incorporate the testimony from members of the public in the comments filed with the CPUC.

Aud. Cert. 2000689.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E059-G112.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENTS: OPPOSE AREA CODE 935, ADVOCATE THE COMPLETION OF THE NUMBER AUDIT, CONTACT THE CPUC ADMINISTRATOR REGARDING HOW THE NUMBERS WILL BE ADMINISTERED, SUPPORT PERMISSIVE DIALING PETITION, WHATEVER ACTION IS TAKEN TO PREVENT AREA CODE 935 THE SAME ACTION SHALL BE TAKEN FOR AREA CODE 858. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Renew Agreement for As-Needed Storm Water Sampling and Testing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-842) ADOPTED AS RESOLUTION R-292744

Authorizing the City Manager to accept the funds from participating agencies up to \$388,107.27, to be deposited in Storm Drain Fee Fund 105085;

Renewing Agreement No. RR-286211, executed on August 7, 1995, with Woodward-Clyde Consultants to provide professional services for As-Needed Storm Water Sampling and Testing for a one-year period;

Authorizing the expenditure of not to exceed \$600,000 from Storm Drain Fee Fund 105085 for As-Needed Storm Water Sampling and Testing, contingent on receipt of "other agency" funding.

CITY MANAGER SUPPORTING INFORMATION:

This is the seventh year of a cooperative agreement for wet weather sampling and testing of storm water between eighteen (18) incorporated cities, the Unified Port District, and San Diego County. This program will satisfy the monitoring requirements of the County-Wide Federal Storm Water Discharge Permit (Regional Water Quality Control Board Order 90-42). The permit requires that storm water run off from various sites around the County be tested for USEPA priority pollutants during three storm events between October and May every year. In addition, water and sediment toxicity tests are also required. As Principal Permittee, the City of San Diego has agreed to administer the contract. All co-permittees share in the cost based on area and population of each jurisdiction. This is the fifth year of a five (5) year agreement with Woodward-Clyde Consultants. The funding for this agreement is approved annually for a fee not to exceed \$600,000. Woodward-Clyde was originally selected per Administrative Regulation 25.60 and Council Policy 300-7.

FISCAL IMPACT:

The estimated City share of the cost for the Wet Weather Monitoring Program is \$211,892.73. Funds are available in the Storm Drain Fee Fund 105085. The other co-permittees will fund the remainder.

Loveland/Gonzalez/KH

Aud. Cert. 2000581.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Brown Field Airport

Agency Negotiator: City Manager and appointed negotiation team

Negotiating Parties: City of San Diego and Brown Field Aviation Park, LLC

Under Negotiation: Price and terms for lease of Brown Field.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

TODAY'S ACTION IS: HEARING HELD; REFERRED MATTER TO CLOSED SESSION ON TUESDAY, FEBRUARY 8, 2000

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, February 8, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO REFER THE MATTER TO CLOSED SESSION ON TUESDAY, FEBRUARY 8, 2000. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400: Black History Month.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-890) ADOPTED AS RESOLUTION R-292745

Proclaiming February, 2000 to be "Black History Month" in San Diego in recognition of experiences, accomplishments and contributions of African Americans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A550-B012; B071-073.)

MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401: Commending Gayle E. Wilson.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-889) ADOPTED AS RESOLUTION R-292746

Commending Gayle Wilson, a true "Sweetheart," for her exemplary dedication to improving the health and education, and thereby the quality of life, of the people of San Diego and the State of California.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S402: Additional Funds for the Family Shelter Component of the 1999/2000 Winter Shelter Program.

(See City Manager Report CMR-00-23.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-870) ADOPTED AS AMENDED AS RESOLUTION R-292747

Authorizing the City Manager to expand the family shelter component of the 1999/2000 Winter Shelter Program from 150 shelter beds to 265 shelter beds for this year only;

Authorizing the City Manager to expend \$115,000 for the expansion of the family shelter, provided an Auditor's Certificate is furnished;

Authorizing the City Manager to renegotiate and amend the existing Lease Agreement for the family shelter;

Authorizing the Auditor and Comptroller to appropriate and expend an amount not to exceed \$115,000 for the expansion of the family shelter component of the 1999/2000 Winter Shelter Program, provided that an Auditor's Certificate is furnished demonstrating that funds for the obligations are, or will be, on deposit in the City Treasury.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENTS: THAT THE COUNCIL APPROVE THE TRANSFER OF A TOTAL OF \$145,000 IN ADDITIONAL FUNDING FROM THE HOUSING COMMISSION TO THE CITY FOR THE PURPOSE OF EXPANDING THE WINTER SHELTER PROGRAM WITH \$60,000 EARMARKED FOR THE GENERAL OPERATIONS, AND \$85,000 EARMARKED FOR THE FAMILY SHELTER EXPANSION. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S403: Nomination to the Public Facilities Financing Authority.

(See memorandum from Mayor Golding dated 2/3/2000, with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-897) ADOPTED AS RESOLUTION R-292748

Confirming the following appointment by the Mayor to serve as a member of the Commission of the Public Facilities and Financing Authority:

APPOINTMENT

Mary L. Walker
(replacing M. Faye Wilson
who has resigned)

TERM ENDING

January 11, 2003

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S404: Nomination to the Commission for Arts and Culture.

(See memorandum from Mayor Golding dated 2/2/2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-895) ADOPTED AS RESOLUTION R-292749

Confirming the following appointment by the Mayor to serve as a member of the Commission for Arts and Culture:

<u>APPOINTMENT</u>	<u>TERM ENDING</u>
Dorothy Annette (replacing Adleane Hunter whose term has expired)	August 31, 2002

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-312.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S405: Hodges Golf Improvement Center.

(Continued from the meeting of February 1, 2000, Item 331, at the request of the City Manager to give staff an opportunity to meet with attorneys because the lease has not been negotiated.)

Matter of recommending approval, conditional approval, modification, or denial of a proposal to grade portions of a 17.5-acre site as necessary to construct and operate a golf improvement center. The project features a golf driving range, practice tees, a clubhouse structure, maintenance and mechanical equipment buildings, a miniature golf course, parking spaces and corresponding site improvements. The project site is located on the south side of Sunset Drive,

between Interstate 15 and Via Rancho Parkway, within the A-1-10 zone of the San Pasqual Valley Community Plan area. The subject property, which is owned by the City of San Diego, would be leased to the applicant as specified by a corresponding Lease Agreement. Project approval will also require City Council adoption of corresponding amendments to the San Pasqual Valley Community Plan and the City's Progress Guide and General Plan as necessary to allow a commercial-recreation land use on the subject property, via approval of a Conditional Use Permit.

(CPA/RPO/CUP/PG&GP AMENDMENT/LEASE AGREEMENT 98-0466. San Pasqual Valley Community Plan Area. District-5.)

NOTE: Hearing open.

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolutions in Subitems A, C, D, and E; and adopt the Resolution in Subitem B to grant the permit:

Subitem-A: (R-2000-) CONTINUED TO MONDAY, APRIL 10, 2000

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND)-LDR-98-0466, dated October 21, 1999, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program (MMRP).

Subitem-B: (R-2000-) CONTINUED TO MONDAY, APRIL 10, 2000

Adoption of a Resolution granting or denying Conditional Use (CUP) and Resource Protection Ordinance (RPO) Permit No. 98-0466, with appropriate findings to support Council action.

Subitem-C: (R-2000-) CONTINUED TO MONDAY, APRIL 10, 2000

Adoption of a Resolution amending the San Pasqual Valley Community Plan to allow a commercial-recreation land use on the subject property, via discretionary approval of a Conditional Use Permit.

Subitem-D: (R-2000-) CONTINUED TO MONDAY, APRIL 10, 2000

Adoption of a Resolution amending the San Diego Progress Guide and General Plan to allow a commercial-recreation land use on the subject property, via discretionary approval of a Conditional Use Permit;

and to add language prohibiting consideration of a commercial-recreation land use on the "Pinery Tree Farm" property located on the south side of Lake Hodges on Highland Valley Road.

Subitem-E: (R-2000-) CONTINUED TO MONDAY, APRIL 10, 2000

Adoption of a Resolution approving the corresponding Lease Agreement between the Leaseholder (City of San Diego) and the Lessee (Hodges Golf Improvement Center, L.L.C.).

OTHER RECOMMENDATIONS:

Planning Commission voted 5-2 to approve Conditional Use and Resource Protection Ordinance Permit No. 98-0466 subject to implementation by the Permittee of the recommendations of the Rancho Bernardo Community Planning Board (correspondence dated October 22, 1999) and the San Dieguito River Park Joint Powers Authority (correspondence dated October 19, 1999) for this project. No action was taken on the environmental document; was opposition.

Ayes: Steele, Brown, Skorepa, Stryker, White

Nays: Anderson, Butler

On December 10, 1998, the San Pasqual Valley-Lake Hodges Community Planning Group recommended approval of the project.

On October 21, 1999, the adjacent Community Planning Group, Rancho Bernardo, voted unanimously to conditionally support the project (see correspondence dated October 22, 1999).

On October 15, 1999, the San Dieguito River Park Joint Powers Authority (JPA) Board of Directors determined (by a vote of 5-0-2) that the proposed development would be inconsistent with the River Park goals to retain existing agricultural uses and preserve the existing flood plain, as outlined in Attachment No. 9 (Report to the Planning Commission).

SUPPORTING INFORMATION:

Hodges Golf Improvement Center (CPA/GPA/RPO/CUP 98-0466)

The project proposes to finish grade portions of a vacant, previously disturbed 17.5 acre site as necessary to construct a (public) golf improvement center. The project site is located on the south side of Sunset Drive within the San Pasqual Valley Community Plan. The project features a golf driving range, clubhouse building, a miniature golf course, chipping and putting greens, and landscaping. Project approval will also require the City Council to adopt amendments to land use on the property. The property, which is owned by the City of San Diego, would be leased to the applicant for a period of 25 years per a corresponding Lease Agreement between the City and the applicant.

On November 18, 1999, the Planning Commission voted (5-2-0) to recommend approval of the proposed project, subject to conditions of approval contained within Resource Protection Ordinance/Conditional Use Permit No. 98-0466. The Planning Commission further conditioned their recommendation upon project compliance with specific recommendations of the Rancho Bernardo Community Planning Board and the San Dieguito River Park Joint Powers Authority (JPA) (submitted in writing as public testimony during the Planning Commission hearing). The project will comply with a majority of these recommendations, with the exception of the following:

4. Recommendation: The wetland buffer setback issue between the City and the Resource Agencies (i.e. California Department of Fish and Game, and US Fish and Wildlife Service) must be resolved prior to the issuance of any grading permits for the project.
 Staff Response: The City and the Resource Agencies are continuing negotiations to determine a collateral interpretation of the appropriate wetlands setback for this project. However, as concluded in the project's final environmental document (MND 98-0466), staff remains confident that the project's proposed wetland buffer is consistent with the MSCP's Sub-Area Plan and will afford an adequate physical separation between the proposed driving range and adjacent wetland habitat in this portion of the valley.

2. Recommendation: Applicant shall construct finished improvements for the portion of the JPA's planned "Coast-to-Crest" equestrian/hiking trail proposed along the east and south perimeters of the project site, including compacted decomposed granite (d.g.) surfacing and fencing between the trail and the adjacent wetland areas.
 Staff Response: Staff does not support this recommendation primarily because the facilitation of such finished trail improvements (by the applicant for this project) presupposes the trail's "final" alignment along this portion of the San Pasqual Valley, which has not yet been approved by the JPA, the City, and the Resource Agencies.

FISCAL IMPACT:

None.

All costs associated with the processing of this project are recovered from a deposit provided by the applicant.

Culbreth-Graft/Haase/KS

SUPPORTING INFORMATION:

Lease--Hodges Golf Improvement Center in San Pasqual Valley

On January 14, 1998, Land Use and Housing Committee authorized exclusive lease negotiations with Hodges Golf Improvement Center (Hodges) for the construction and operation of a golf driving range and related activities on 17.47 acres on Sunset Drive in San Pasqual Valley. Hodges has invested approximately \$600,000 in environmental studies and will invest an additional \$1.5 million in improvements to the leasehold if the lease is approved. During the negotiation process, staff surveyed other driving ranges within the area and the percentages listed below are competitive with similar operations. The basic terms of the lease are:

USE - Golf Improvement Center, restaurant and pro-shop

TERM - 25 years

MINIMUM RENT - Years 1-5.....\$15,000;
Years 6-25.....80% of the average of last two years.

PERCENTAGE RENT--Restaurant, Pro-shop, Putting Green.....7%

Beer and Wine.....5%

Golf School and Miniature Golf.....6%

Driving Range: Years 1-5.....5.0%
6-10....10.5%
11-15....11.0%
16-20....11.5%
21-25....12.0%

The proposed lease reflects the City's updated lease provisions, including the Multiple Species Conservation Program, Best Management Practices, Cultural and Biological Issues and the San Dieguito River Valley Park Trail System. The Water Department has reviewed and approved this lease.

FISCAL IMPACT:

Minimum annual rent of \$15,000 will be deposited to the Water Department Fund 41500.

Culbreth-Graft/Griffith/DWE

LEGAL DESCRIPTION:

The project site is located on the south side of Sunset Drive, between Interstate 15 and Via Rancho Parkway, north of Hodges Reservoir, within the A-1-10 zone of the San Pasqual Valley Community Plan area, and is legally described as all that portion of Rancho San Bernardo in the City of San Diego, County of San Diego, according to patent map thereof (recorded book 2, Page 462 of patents).

FILE LOCATION: SUBITEMS A,B,C,D,E: LAND-San Pasqual Valley
Community Plan (10)

COUNCIL ACTION: (Tape location: B324-E058.)

Motion by Warden to adopt resolution with the following amendments:

- 1) The project applicant shall construct the coast-to-crest trail as proposed by the applicant on the north side of the project area as shown in the proposal project and provide the right-of-way for a future trail alignment to be constructed by the City as the lead agency on the south side of the proposed project
 - 2) Direct the City Manager to pursue State and Federal grants to construct the final alignment of the coast-to-crest trail, connecting the Sykes Adobe Visitor's Center to the San Pasqual Valley
 - 3) Directing the city Manager to work cooperatively with the JPA and State and Federal Wildlife Agencies to address impacts to the trail alignments and secure necessary permits and approvals
 - 4) Direct the City Manager to have our staff coordinate with the applicant on a Cowbird trapping program as requested by the Wildlife agencies
 - 5) Modify the language in the community plan, page 28, under the section specific proposals to delete the reference "commercial and conditional use permit", so that we have no net loss of agriculture
 - 6) That a curfew be established that prohibits the use of night-time lights after 10:00 p.m.
- Second by Stevens. No vote taken.

MOTION BY WEAR TO CONTINUE THIS ITEM TO MONDAY, APRIL 10, 2000 FOR FURTHER REVIEW AND COMPLETION OF A NUMBER AUDIT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay, Vargas-nay, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6.38 p.m. in honor of the memory of:

Ivor de Kirby as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G122-124.)